

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

UNITED STATES OF AMERICA <i>ex rel.</i>	)	
JULIA SWITZER	)	
	)	
and	)	
	)	
COMMONWEALTH OF VIRGINIA <i>ex rel.</i>	)	
JULIA SWITZER, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No.: 7:13-cv-00498
	)	
EAST MENTAL HEALTH SERVICES,	)	By: Elizabeth K. Dillon
LLC,	)	United States District Judge
	)	
Defendant.	)	

**ORDER GRANTING MOTION FOR LEAVE TO AMEND  
AND DIRECTING DEFENDANT TO RESPOND**

This case was originally filed as a *qui tam* action. After numerous extensions of time, sought primarily by the United States, both the United States and the Commonwealth of Virginia declined to intervene. Since then, plaintiffs' attorney was granted leave to withdraw, most of the plaintiffs have been dismissed, and all but one of defendant's attorneys have been granted leave to withdraw. The sole remaining counsel for defendant, moreover, has not responded to the court's most recent order. In fact, despite the court's direct order, counsel has failed to get in touch with Ms. Switzer, who is proceeding pro se, and failed to contact chambers by September 28, 2018, so that the court could set a Rule 16 conference.

Currently pending before the court is *pro se* Julia Switzer's third motion to file an amended complaint (Dkt. No. 86). Her new complaint retains Counts II through VII, which were not dismissed by any prior order. With regard to Count I, which the court previously dismissed

without prejudice, she has added nine new paragraphs to this claim. Many of them are detailed, describing what she alleges are specific instances of violations of the False Claims Act. As such, they are a plain attempt to correct the problems identified by the court in its order of dismissal (Dkt. No. 63).

Given that there has been no opposition to the motion to amend (despite defendant being given additional time to respond, *see* Dkt. No. 90), and in light of Switzer's additional allegations as to Count I, the court cannot say that her amendment would be futile. Accordingly, the court GRANTS her motion to amend (Dkt. No. 87) and will accept her Third Amended Complaint (which also incorporates Exhibits A through D from the Second Amended Complaint, Dkt. No. 52). The clerk is directed to file Dkt. No. 87-1 and Dkt. Nos. 52-1 through 52-4 as a new document titled Third Amended Complaint.

Defendant is directed to answer or otherwise respond to the Third Amended Complaint not later than ten days after entry of this order. **Defendant is further warned that a failure to respond may result in the entry of default or a default judgment against it.**

Lastly, the clerk is directed to change the style of this case to match that used above, reflecting that Ms. Switzer is the only remaining relator of the original four.

Entered: October 4, 2018

*/s/ Elizabeth K. Dillon*  
Elizabeth K. Dillon  
United States District Judge